IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

1. CIVIL SECOND APPEAL No. 202 of 2005

JAGDISH & ORS
V/S
STATE & ANR

2. CIVIL SECOND APPEAL No. 203 of 2005

GAUR CHAND
V/S
STATE & ORS

Mr. MC BHOOT, for the appellant / petitioner

Date of Order : 20.10.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

These two appeals arise out of the same bunch of litigation decided by the learned lower Appellate Court on 23.4.2005 on which date the learned Judge decided number of cases involving identical factual controversy.

The controversy involved in all the cases was that the guarantee deed submitted in the Excise Department for grant of excise contract/poppy husk or Bhang contract were not given by the respective guarantor, and are forged document, and to substantiate this contention various grounds were taken. In all those cases, the learned trial courts dismissed the suit, and the appeals were heard by

the learned District Judge, and vide different judgments passed on the same date all the appeals were dismissed. Against those judgments various appeals were filed in this Court virtually on the same date, and out of those appeals; one being S.B. Civil Second Appeal No. 204/2005 has been dismissed by me vide judgment dt. 3.7.2006 giving detailed reasons including reasonings on factual aspects of the document.

In these present appeals also, in the same manner I have gone through the documents, and have also gone through the record, and am of the opinion that practically for the same reasons as given in the judgment dt. 3.7.2006 passed in the Civil Second Appeal No. 204/2005, these appeals are also liable to be dismissed. Learned counsel for the appellant was pointedly asked as to whether the judgment dt. 3.7.2006 has been assailed in further appeal in hierarchy, or has acquired finality, and I was informed that that judgment has become final.

In view of the above, these appeals are also dismissed for the same reasons.

( N P GUPTA ),J.

/Sushil/